



23 September 2010

## *Welcome to the Honourable Justice Cameron Macaulay*

Address at the Ceremonial Sitting on Thursday 23 September 2010 to welcome the Honourable Justice Cameron Macaulay upon his appointment to the Supreme Court of Victoria by Michael Colbran QC Chairman of the Victorian Bar Council

May it please the Court.

I appear on behalf of the Victorian Bar to congratulate Your Honour, Justice Macaulay, on your appointment to this Court.

It is a particular pleasure to do so as Your Honour has been – for the best part of a year – my close colleague as one of the two Vice-Chairmen of the Victorian Bar Council.

You brought to our discussions the same forensic skills admired by your colleagues and feared by your opponents: complete mastery of the detail of the matter under consideration, and clarity of thought – reducing the most complex tangle to its key points.

You also brought good humour and charm to all Bar Council debates and your solutions were always disarmingly simple and practical, reflecting common-sense. While respectful of tradition you were always ready to embrace change and to help us see clearly the way forward.

Before coming onto the Bar Council in September 2008, you had several years' service on two very substantial Bar Committees – 5 years on the Professional Indemnity Insurance Committee and 5 years on the Ethics Committee.

Since your election to the Bar Council your contributions have been substantial and highly valued and appreciated. The Bar has lost much in your appointment but we are overjoyed that the community at large will be the beneficiary.

In speaking of the qualities Your Honour brought to the Vice-Chairmanship, and now brings to the Bench, I have got ahead of myself.

Your Honour has practised law for more than 28 years since your admission to practice in April 1982 – 27 of those years as a barrister, including 7 years as Senior Counsel.

Your Honour was educated at the Greythorn Primary and High Schools; at Camberwell Grammar School for the last four years of High School; and at Monash University.

You excelled in many things at Camberwell Grammar School. You were dux of the school in 1974. You played in the first XI and the first XVIII in your last two years. You sang in the school choir. And you were in the school play all four years. In your final year, you played the lead – John, the Witch Boy in *Dark of the Moon* – a dark, mythical and magical tale of a Witch Boy who becomes human seeking happiness with a beautiful girl – all set in the Great Smoky Mountains of North Carolina.

Coming down to earth, as it were, you did Arts/Law at Monash, graduating Bachelor of Arts in 1978 and Bachelor of Laws in 1981. You later earned a post-graduate diploma in Commercial Law.

You served articles at A G Moore & Associates, remaining with that firm as a solicitor for about 18 months before coming to the Bar. You signed the Bar Roll in November 1983 and read with D M O'Callaghan.

Your practice was built on a solid foundation in both criminal and civil matters. By the late 1980s, it was entirely civil and since the early 1990s it has been of a general commercial character.

Significant areas of practice were professional negligence – chiefly representing solicitors and auditors – and general insurance. A widening range of commercial matters included superannuation, trusts, and trade practices.

Several years before Your Honour took silk, you appeared without a leader against established Senior Counsel.

Your Honour was regarded as a determined and formidable opponent – a hard man to get anything out of, particularly in your specialty of professional negligence.

You acquired your nick-name, “Flint” from the remark of a County Court Judge – a gentleman, but prone, on occasion, to comments that were, one might say, “unexpected” from the Bench.

His Honour, having heard from your opponent, said, and I quote: “I’d like to hear from the flint-like apparition at the other end of the Bar table”.

Your Honour returned to your chambers on the 13th floor of Owen Dixon West, visibly shaken. Your friends, wishing to offer comfort and support, were constrained by the truth that Your Honour was indeed a “determined and formidable opponent”.

They were, however, able to say - as it was the simple truth – that you were also invariably regarded as a great opponent, fair, scrupulous and congenial.

Your Honour had three readers: Karen Streckfuss, Stanley Isaiah and Dean Guidolin (for the first two months of his reading, immediately before Your Honour took silk).

Ms Streckfuss describes Your Honour as “the model hardworking barrister – in whom a client could have complete confidence. She strove to follow in your footsteps in every way – even having 2 girls and a boy (as Your Honour first did).

You said “Well done! – only two more to go – but they can be together as twins.”

Ms Streckfuss says: “I decided not to follow his advice on that one!”

Your Honour took silk in November 2003.

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The intensity and diversity of Your Honour's practice further increased. You were briefed in large and complex cases – one case with 80 lever-arch folders.

In your last set of chambers – the famous judicial gateway previously occupied in turn by Peter Buchanan and Clyde Croft as they each once were – you had just installed special storage cupboards about 100 feet square to shelve the lever-arch folders!

Your Honour's Scottish soul must surely have winced at the cost of the renovations for only a few months' use. But your generosity of spirit will welcome someone else's gain

And otherwise the timing of Your Honour's appointment has tied in nicely with your youngest children's final year at Geelong Grammar School.

As Senior Counsel, Your Honour has appeared in many notable, and often reported, cases – to touch on but a few: in one of the Tattersalls cases, for the Trustees seeking commission; in the Catch the Fire Ministries anti-discrimination and religious vilification case; and in Bowen Investments v Tabcorp Holdings.

Your Honour has been an outstanding barrister and your service to the Victorian Bar has likewise been outstanding.

On behalf of the Victorian Bar, I wish Your Honour joy in your appointment; and long, distinguished and satisfying service as a Judge of this Court.

May it please the Court.